CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, February 9, 2015	CASE NUMBER: C15-2015-0017
Jeff Jack - Chair Michael Von Ohlen Melissa Whaley Hawthorn Sallie Burchett Ricardo De Camps Brian King Vincent Harding Will Schnier - Alternate Stuart Hampton - Alternate	
OWNER/APPLICANT: Jian Xu	
ADDRESS: 7012 QUILL LEAF CV	
25-2-492 (D) (Site Development Re	licant has requested variance(s) from Section egulations) to decrease the minimum rear yard 4 feet (requested) in order to reconstruct a sidence zoning district.
BOARD'S DECISION: POSTPOR	NED TO March 9, 2015 AT THE STAFF'S
FINDING:	
The Zoning regulations applicable because:	e to the property do not allow for a reasonable use
2. (a) The hardship for which the var	riance is requested is unique to the property in that:
(b) The hardship is not general to	the area in which the property is located because:
impair the use of adjacent conforr the regulations of the zoning distributions.	racter of the area adjacent to the property, will not ning property, and will not impair the purpose of ict in which the property is located because:
Leane Heldenfels Executive Liaison	Jeff/Jack () () () () () () () () () (

From:

Becky Kirkpatrick health kirkpatrick

Sent:

Tuesday, February 10, 2015 10:42 AM

To:

Heldenfels, Leane

Subject:

C15-2015-0017 REQUEST FOR VARIANCE

Dear Leane,

Please send this to the board members and not my first message sent to you.

I live across the street from Jian and Yaguo, a very nice young couple who have been a great addition to our cul-de-sac for just over a year now.

Their attractive shed represents many hours of hard work. It doesn't seem to bother anyone around them, but the Asghars.

It doesn't bother us either and we respectfully request that you grant the Variance to Jian and Yaguo.

Thank you,

Becky Kirkpatrick 512 346-4883

CSTANATAR LANGE Devetor Co C15-2015-6017 11.60 RESTRICTIONS, COVENANTS AND CONDITIONS OF THE JESTER ESTATE, SECTION ONE, PHASE TWO STATE OF TEXAS MINOR ALL HEN BY THESE PRESENTS: COUNTY OF TRAVE THAT WILSON DEVELOPMENT CORPORATION (the "Developer") owner of all of the lots in The Jester Estate, Section 1 Phase 2, a subdivision of the local H life bester batter, section I final I. a washing in Travis County, Texas, as shown by plat thereof of renord in Book 82, Pages 335-339 of the Plat Records of Travis County, Texas, does hereby impress all of the property included in said subdivision with the following restrictions, covenants, conditions and uses: Designation of Use: All lots as shown on the plat of said subdivision (the "Plat") recorded in Plat Book B2, Pages 335-339, Plat Records of Travis County, Texas, shall be used for single family restdences with not more than one resident on any loc and shall not be used for any trade or profession. No obnoxious or offensive trade or profession shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or e nuisance to the neighborhood. No cattle, bogs. positry, horses or other enimals may be kept on any part of The Jester Estate. Section 1, Phase 2. This paragraph shall not however, preclude the keeping of pets such as are ordinarily kept as pets in residential subdivisions, provided they are not kept or bred for any commercial purposes. 2. Platted Easements and Restrictions: The Plat dedicates certain streets and easements and establishes cortain limitations, reservations and restrictions applicable to The Jester Estate, Section 1. Phase 2. Said subdivision is slad subject to Son-Development/Conservation *assuments filed of record in Volume 6821. Fage 1889 and Volume 6820. Page 1797 of the Deed Records of Travis County, Texas. All such dedications. litatetions, restrictions and reservations are incorporated herein by reference and made a part hereof for all purposes a. of fully set forth herein, and shall be construed as being adopted in each and every contract, deed or conveyance executed or to be executed by the Develoguer conveying any part of The Jester Estate, Section 1. Those 2. J. Temporary Directures and Garage Arathments: No mobile home, house trailer, test, mack, carage apartment or out-mulding shall be placed, ejected or permitted to remain on any lot, now shall any strucplaced, effected or permitted to remain on any lot, not shall any structure of temporary character be used at any time as a residence thereon. Webfoles of the type now commonly referred to as a "number". "comper bus". "comper hume", trailer home" or other similar atructure for temporary residential use and boats and boat trailers may be kept on a lot provided (1) such webfole is not visible from any street in the subdivision, (ii) that such webfole is not occupied as a temporary or permanent resistance while situated on any lot. (III) that no more than one such webills may be kept on any one lot (IV) that such webfole remain on wheels so as to be readily nobile, and (V) that such vehicle has for the permanel use of the occupier of the lot and not for lease or be for the personal use of the occupant of the lot and not for lease or rent. 6. Separate Ograges, Quest Houses, etc.: A separate garage building. servants' questers of one story, or a one story quest house not to exceed 800 square feet of floor area will be permitted. Such attracture must be attached to the main dwelling and the main dwelling must be attached to the main dwelling and the main dwelling must be substantially completed with the main dwelling for the stantial of the stantia substantially completed prior to the erecting of such structure. All other restrictions, covenants, conditions and uses herein must be met and antiefied with respect to any such structure. CCEDI 8430 . 35

3-54-45!5

- 5. Histour lot Size: No resubdivision of existing lote shall be made which would cruste an additional lot, but this shall not prevent the modifying or removal of boundaries of original lots provided that each modified lot has at least 60 feet of street frontage except culde see lots.
- 6. Size and Construction of Duckling: All dwellings shall be of recognized standard construction. The main dwelling erected on any lot, if one story, shall cover not less than 2,000 square feet of floor area, of which not less then 1,600 square feet shall be in the house proper, exclusive of garage and porches; if the main dwelling is one and one-half stories, not less than 1,200 square feet shall cover the first floor area in the house proper, exclusive of garage and porches; and if the main dwelling is a full two stories, not less than 1,500 square feet shall be in the first floor area in the house proper, exclusive of garage and porches. Ornamental structures, fences, and wally are permitted, subject to prior approval in writing of the Developer, or in the alternative, by the Architectural Committee designated in Faragraph 8. Each dwelling shall be prewired during the construction phase for at least three (1) interior television capie outlets.
- 7. Sci-Back and Antennie: No structure shall, unless first approved by the Architectural Committee, be located or erected on any lot nearer to the front lot line than twenty-five (%) feet; nearer to any side lot line than five (%) feet; or bearer to the rear lot line than an average of twenty (20) feet.

No fence, wall, he bedge more than four 141 (set in beight shall be maintained for and of the forwardmost point of the main dwelling, excluding cast and chimneys. No outside antennan, aerial or guide sizes of any type shall be exected or maintained on any portion of any lot.

8. Architectural Control: For the purpose of locuring the development of the subdivision as a residential area of high standards, the Developer, or in the Alt spative, an Architectural Committee composed of Doyle A. Wilson and I a F. Patton, reserves the right to regulate and control the buildings or structures of other improvements placed on each lot. In the even of death or resignation of any member or members of the Architectural Committee, the Developer shall appoint a successor nember or members. No building, wall, fonce or other structure shall be placed upon such lot until the plan therefore end the lot plan have been approved in writing by the Developer or the Architectural Committee. The set of such plans and spacifications shall remain at the office of the Developer in order that any property ewher may check such plans and specifications for compliance with these restrictions.

of the Developer in order that any property ewner may check much plans and specifications for compliance with these restrictions.

Sefusal of Approval of the plans and specifications by the Developer or by the Architectural Committee may be based on any ground, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the Developer or Architectural Committee shall seem sufficient. Ho elterations in the exterior appearance of any building or structure shall be made without prior written arrowal by the Developer or the Architectural Committee or by an appointee of the Architectural Committee. No dwelling or other structure shall remain unfinited for more than one (1) year after construction of same has

been convenced.

The sight is reserved for the Developer or the Architectural Committee to change these restrictions in whole or in part in the case of any wousual or irregularly shaped lot or any lot unusual in size, where such change is required for the advantage and best appearance of the immediate community. Neither the Developer, the Architectural Committee nor any number thereof nor any appointee of the Architectural Committee shall ever be liable to any person, firs or entity for any damage, loss or injury suffered or claimed on account of any action taken hereunder.

9. Maintenance of Lot: The owners or occupants of all lots shall at all times keep all wheat and grass thereon out in a sanitary, healthful and attructive manner and shalk in no event use any lot for storage of meterials and equipment except for normal residential requirements or incidental to construction of improvements thereon as berein permitted. The owners or occupants shall not parmit the accumulation of garbage, trash or rubbish of any kind on their lot.

All notices relating hereto shall be deemed to have to. Notice: All notices relating hereto shall be deemed to have been properly sent to any owner or occupant of a lot when mailed, postage prepaid, to the street address of the owner's or occupant's lot.

- 11. General Provisions: These provisions are hereby declared to be conditions, restrictions, uses and covenants running with the land and shall be fully binding on all persons acquiring property in The Jester Estate, Section 1, Phase 7, whether by descent, devine, purchase or otherwise, and every person by the acceptance of title to any lot of the subdivision shall thereby agree to abide by and fully person the foregoing conditions, restrictions, uses and covenants, which shall be binding until January 1, 1998, on and all or January 1, 1999, caid conditions, restrictions, uses and covenants shall be automatically conditions, restrictions, uses and covenants shall be automatically extended for successive meriods of ten years unless changed in whole extended for successive periods of ten years unless changed in whole or in pert by a vote of three-fourths majority of the then owners of the lots in The Jester Estate. Section 1, Fhase 2. The owner or concrs of lots in The Jester Estate, Section 1, Phase 2, shall be entitled to one vote per lot.
- 17. Penalty Provisions: If any person or persons shall violate or attempt to violate eny of the el ve conditions, restrictions, uses and covenants, it shall be lawful to the Developer or any other person or persons owning any of the lots the Jester Estate, Section 1. Phase 7, to prosecute promeedings law or in equity updings the person rease %, to prosecute proceedings— law or in equity organist the person or persons violating or attempting 10 violate the terms hereof, to prevent him or them from so doing, or to receive damages for same. Any person or persons bringing suit to enforce these conditions, restrictions, uses and covenants if such person or persons prevail, shall be relimbursed all attempting to wielate to terms hereof. No set or comission on the part of any of the hereoficiaries of the comments, consistence. sion on the part of any of the benediciaries of the covenents, conditions, restrictions and see herein contained shall ever operate as a waiver of the depration of or the enforcement of any such devenant, condition. restriction or use.
- Partial Invalidity: Invalidation of any one or any part of these conditions, restrictions, uses or covenants by judgment or court order shall in no wise affect ony of the others, which shall remain in full force and effect.

_, 1954. WITHERS MY END THIS 25 DAY IF FAMILY ... WILSON DEVELOPMENT CORPORATION NO SEAL

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared JOHN T PATTON SCHOOL VIE OPERATION OF WILSON DEVELOPMENT CORPORATION, known to me to be the person and officer whose many is subscribe to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said WINGON DEVELOPMENT COMPORATION for the purpose and consideration therein expressed, is the capacity the purpose and consideration therein expressed, is the capacity the purpose and consideration therein expressed, is the capacity the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the purpose and consideration therein expressed, is the capacity that the c

100

NOTARY SEAL MELERUS & Clarine Notary 1988 Texas

My commission expires:

8430 . 37

FILED

28 JM 26 M 3 21

A Dai Strantin TRANSPORT OF THE PARTY OF THE P

3-54-4517

And the second s

DOYLE WILSON BUILDER, INC.
1706 CAPITOL OF TEXAS HWY. #201
AUSTIN, TEXAS TRIVE

CHARGE AUSTIN TITLE CO.

STATE OF SERS.

I have by the first that they are proposed was falled as the first that they are proposed was falled as they seem of the first that they are part of the and must they seem of the fall of the seem of the see

JAN 25 15%



CONCY COM TON

8430 38

C15-2015 - 0017

Heldenfels, Leane

From: Kate D. < Charles the motivation of the Company Sent: Monday, February 09, 2015 4:18 PM

To: Heldenfels, Leane

Subject: RE: Scan sent to Kate Driskell re: Cooper Lane Variance Request

Dear Ms. Heldenfels,

Thank you for sending the information I requested. I received it just fine.

I have a couple of questions concerning the suggested site plan though. Initially the developer had planned an entry/exit in a different location along Cooper Lane, either further south or north of center. This is a new location to my knowledge and I am not happy to see that the city would allow the entry/exit to be put directly across from the driveways of two property owners. I live at the property at 7408 Cooper Lane and will be the most adversely impacted of all the Cooper Lane residents if this particular site plan is approved. All of the traffic entering and exiting these 65 condominium units (over 500 trips a day on average) will be doing so right in front of my property and my next door neighbor's property (at 7410 Cooper Lane) and right in front of our own entry/exit points which are both situated within 15' of our adjoining lot line. This will put all the southbound entering traffic sitting directly in front of our driveway in the left-hand turn lane, making it impossible for me to make a left hand turn during peak traffic hours of the day. I find this abominable. A move of the development's entry/exit point just 50' north (to the middle of my property) would alleviate this problem for us and our neighbors. So I can't understand why the city would approve this plan. It makes no sense and throws dirt in the face of two longtime Austin property owners.

It also looks as if all the extra width needed for the street improvements will be coming off of our property and not the developers, which is not what we were led to believe either. I would like to know if that is true or not.

Who should I contact to see if anything can be done to change this site plan? This was not the site plan the developer was proposing this past fall at all.

Thank you very much for your time and effort. I truly appreciate it.

Sincerely, Kate Driskell

Resident and partial owner of: 7408 Cooper Lane, Austin, TX, 78745

Cell Phone: 512-751-6110 Email: ekdriskell@hotmail.com

> From: <u>Leane.Heldenfels@austintexas.gov</u>

> To: ekdriskell@hotmail.com

> Subject: FW: Scan from a Xerox WorkCentre OTC01OImosPark

> Date: Mon, 9 Feb 2015 20:48:49 +0000

>

- > This drawing is just showing part of the project w/ one exit to Cooper Lane, but take a look.
- > Leane Heldenfels
- > Board of Adjustment Liaison

From:

Becky Kirkpatrick Declarking Link Calcaglobaling

Sent:

Monday, February 09, 2015 3:53 PM

To:

Heldenfels, Leane

Subject:

MY CONCERNS RE: C15-2015-0017

Dear Leane,

My name is Becky Kirkpatrick. I live across the street from Jian and Yaguo. I am asking you to give them their Variance for their shed. We support them in every way as they have been such good neighbors.

The only thing Jian and Yaguo did wrong was to move next door to the Asghars. The Asghars have complained about this couple since they moved in. It is my opinion that they hope to make them so miserable that they will move. This shed is just another way they have found to harass this poor couple.

I can't tell you how nice this couple has been to everyone in this cul-de-sac. They do not deserve what the Asghars have been dishing out to them. Please let them have their variance.

Thank you for your time and please give me a call if you have questions.

Becky 512 346-4883

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
 and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
 is an officer of an environmental or neighborhood organization that
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Austin, TX 78767-1088

Or fax to Leane Heldenfels, (512) 974-6305

Or scan and email to leane.heldenfels@austintexas.gov

P. O. Box 1088

Leane Heldenfels

City of Austin-Planning & Development Review Department/ 1st Floor

If you use this form to comment, it may be returned to:

Note: any comments received will become part of the public record of this case

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Pour address (es) affected by this application Signature Daytime Telephone: 512-345-1622 Comments:	Case Number: C15-2015-0017, 7012 Quill Leaf Cove Contact: Leane Heldenfels, 512-974-2202, leane, heldenfels@austintexas.gov Public Hearing: Board of Adjustment, February 9th, 2015 RANDY E. Humphrey Your Name (please print) T013 Quill Leaf Youe T013 Quill Leaf Youe
---	---

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

bestever,	Comments: Comments: The at neighbors with the att and the att and the att att att att att att att att att at
Z/U/JU Date	Your address(es) affected by this application Lyce Signature Signature Signature
I am in favor Mobject AUSTIN 78757	Your Name (please print) TOOS QUILLER CVE
Ove s@austintexas.gov 79th, 2015	Case Number: C15-2015-0017, 7012 Quill Leaf Cove Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov Public Hearing: Board of Adjustment, February 9th, 2015

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to leane.heldenfels@austintexas.gov Or fax to Leane Heldenfels, (512) 974-6305

From:

Suzanne Brown <

Sent:

Monday, February 09, 2015 11:43 AM

To:

Heldenfels, Leane

Subject:

C15-2015-0017

Hi Ms. Heldenfels,

I received a letter about the request for a variance to the property on Quill Leaf since I live within 500 feet of the property. I do not support the request for variance. Do I just need to write you an email or do I need to show up to the scheduled board meeting to provide my input?

Also, if anyone else would like to provide input, should they email/call you directly?

Please advise when you have a moment. Thanks for your help.

Cheers, Suzanne Brown

Sent from Windows Mail

From:

Diana Miller diana ----

Sent:

Friday, February 06, 2015 3:26 PM

To:

Heldenfels, Leane

Subject:

Case C15-2015-0017

Leane,

I am the President of the Jester Homeowners Association and we object to the Land Development variance being requested by Jian Xu on 7012 Quill Leaf Cove.

Please let me know if you have question or if I should attend the hearing.

Thank you,

Diana Miller President Jester HOA 512/496-0777

From: jian Xu (120000cm@gmail.eom> 3 Wednesday, January 28, 2015 1:43 PM Sent: To: Heldenfels, Leane Cc: Yaquo Wang Subject: Re: FW: Board of Adjustment Application Attachments: varriance Jian - YW.pptx Hi Leane,

Just wondering whether you have received my ppt document. It is 28th and I just want to make sure you receive it. I attach it again.



We didn't enroll with HOA. My wife called them before we built the shed and they said we are fine since we are not member of them.

Best regards, Jian

On Wed, Jan 21, 2015 at 2:16 PM, Heldenfels, Leane < Leane. Heldenfels@austintexas.gov> wrote:

- > Ok I'll wait to hear back from John.
- > Thanks for arranging the Board will want as exact a measurement as possible for the notice and their decision.
- > I will print these sigs out and will await from your neighborhood association.
- > Take care,
- > Leane
- > ----Original Message-----
- > From: jian Xu [mailto:jz20000cn@gmail.com] > Sent: Wednesday, January 21, 2015 1:50 PM
- > To: Heldenfels, Leane
- > Cc: Yaguo Wang; Hale, John
- > Subject: Re: FW: Board of Adjustment Application

> Hi Leane,

> John is sending a gentleman to confirm measurement of of shed house this Friday.

> We have 4 neighbors who share fences with us, and 3 of them already signed the attached document to support us. The rest is the one who reported us.

- > I am going to send you more supporting materials in the next few days.
- > We really appreciate your help.

>

> Regards,

> Jian

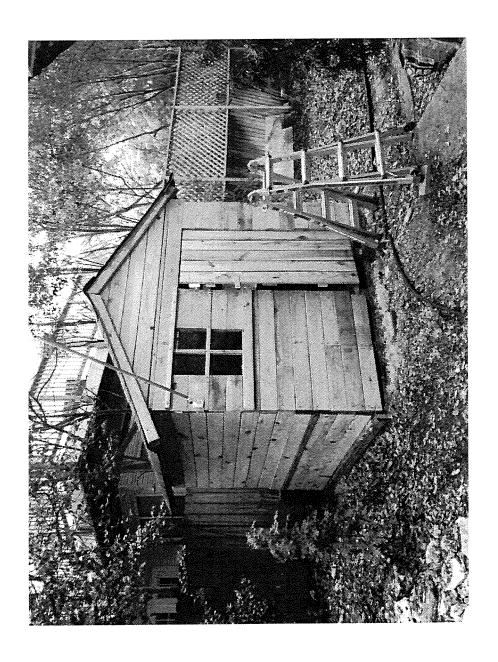
- > On Wed, Jan 21, 2015 at 1:27 PM, Heldenfels, Leane < Leane. Heldenfels@austintexas.gov > wrote:
- >> Will be fine for just you to attend.

Variance Application

for a small wood house in the backyard

7012 Quill Leaf CV Austin TX78750 Jian Xu & Yaguo Wang

Our Shed



Introduction of the project

- Without any water and electricity supply. It is designed for garden tools storage.
- It is 8 ft x 8 ft x 10 ft size wood house
- 95% of the material is treated solid hardwood
- Estimate cost of the project is about \$2000

pictures

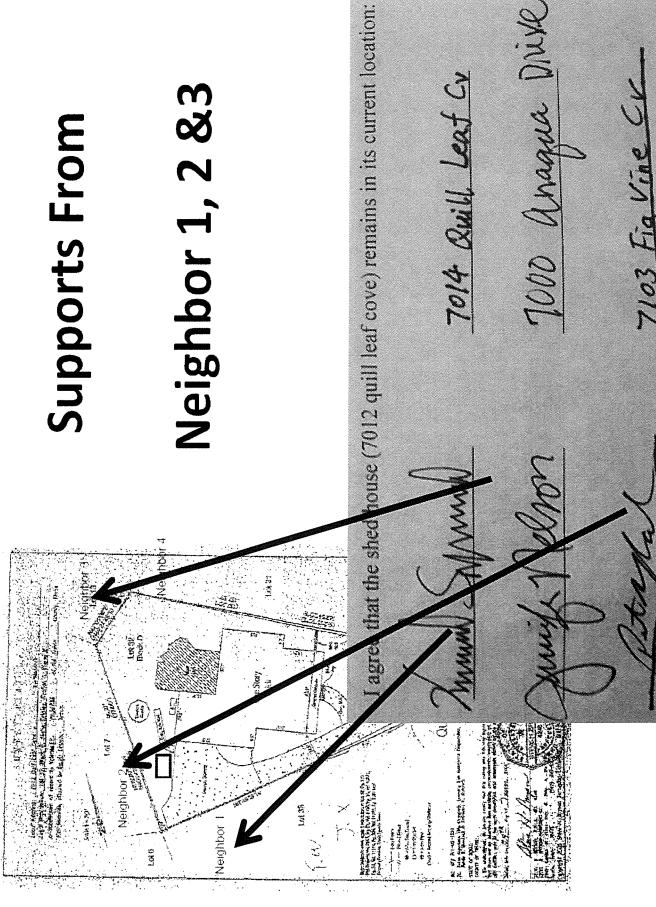


City Code Compliance

- 5 feet from the side fence
- Officer asked us to move the shed 1 feet away from the shed fence

Our Difficulties

- space for the house to move. (Show the picture Due to the irregular shape of our lot, there is no of measurement between the shed and the concrete)
- Over 10 ion rods through the base wood to 2 feet under earth, which is very difficult to cut. (Show several pictures about the iron bar)



Supports From

Neighbor 1, 2 & 3

7014 Quill Leaf Cv

7000 anagua Divile

7103 Fig Vine C

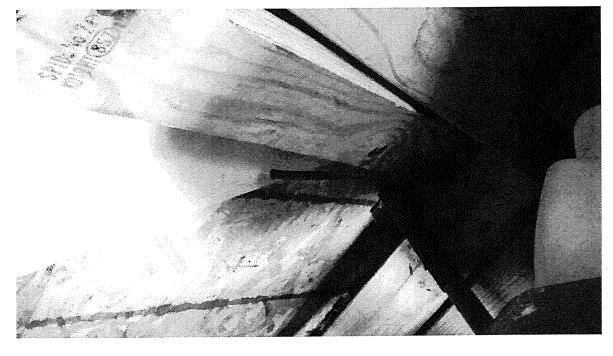
Anad Tree 17.7 Neighbor 2 Tec 400 Neighbor 1

Sketch

pictures

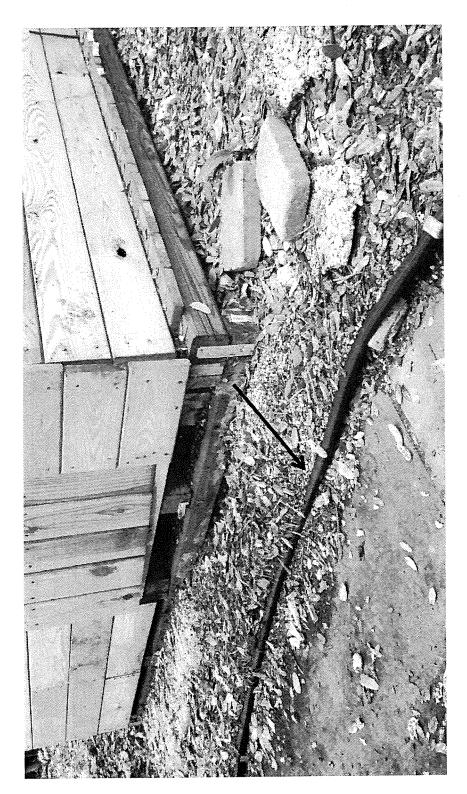
Many ion bars go through the foundation





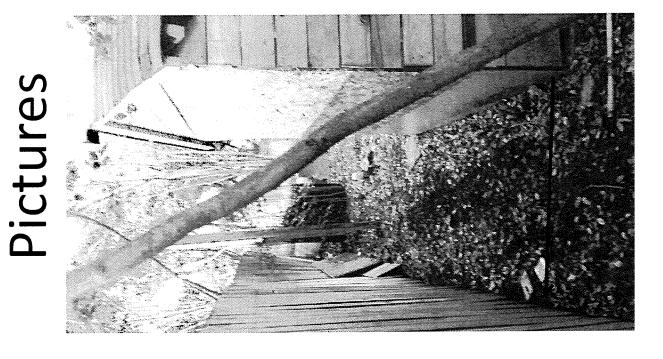


pictures

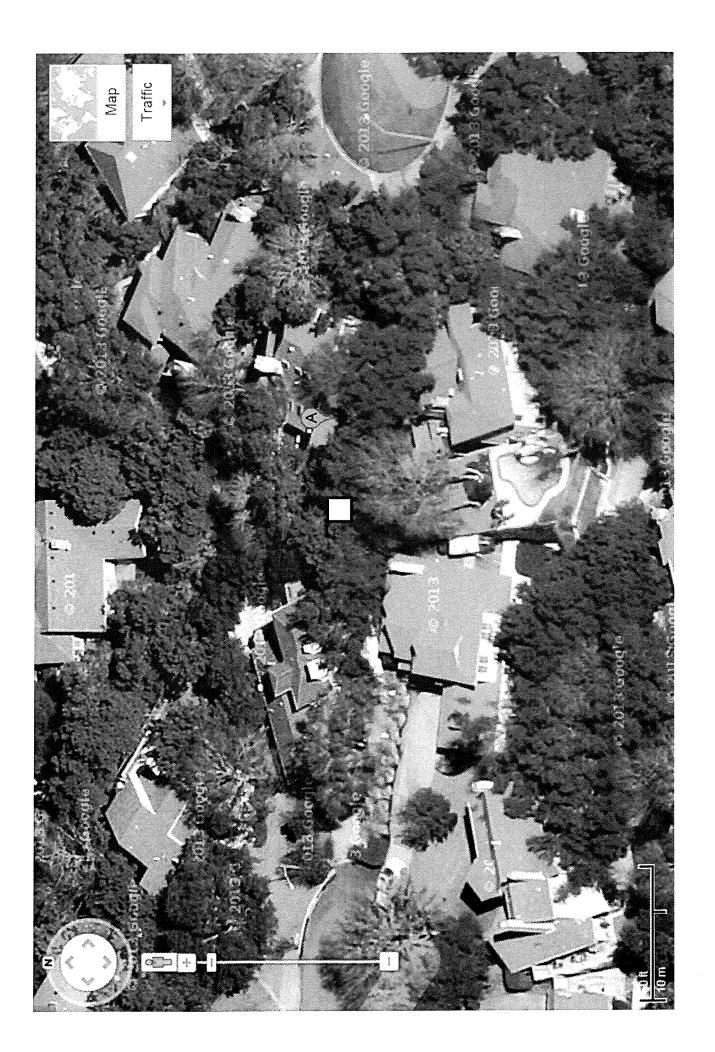


11'





Sprinkler System lon rod pictures



From: Sent: Monday, January 26, 2015 7:45 PM To: Hale, John Cc: Heldenfels, Leane; Yaguo Wang Subject: Re: FW: Board of Adjustment Application Hi John, Yes it is almost impossible to move the shed without breaking it at this moment considering how it was built and also the surroundings. I need variance for the 1 foot and 2 inches move request. We really appreciate that you send people again to double check the size and location. We are so satisfy for all your service and help. Thanks! Regards, Jian & Yaguo On Mon, Jan 26, 2015 at 2:56 PM, Hale, John < John. Hale@austintexas.gov> wrote: > Hello Leane and Jian, > I just wanted to confirm that everyone was on the same page regarding the variance request. As indicated on the powerpoint and Officer Union's measurements a variance of up to 1 foot and 2 inches is requested? > Thank you, > > > John Hale > Code Investigator – West District > City of Austin, Code Department > P: 512-974-6087 | E: john.hale@austintexas.gov "Preserving Austin's > Quality of Life" > > > ----Original Message-----> From: jian Xu [mailto:jz20000cn@gmail.com] > Sent: Monday, January 26, 2015 11:13 AM > To: Heldenfels, Leane > Cc: Yaguo Wang; Hale, John > Subject: Re: FW: Board of Adjustment Application > Here is the attachment. > On Mon, Jan 26, 2015 at 11:12 AM, jian Xu <jz20000cn@gmail.com> wrote: >> Morning Leane, >> >> I attached a ppt file including proof and pictures to support our >> variance application.

C15-2015-0017

Heldenfels, Leane

From:

Hale, John

Sent:

Tuesday, January 20, 2015 9:45 AM

To:

Heldenfels, Leane

Subject:

RE: 7012 Quill Leaf Cove

Attachments:

7012 Quill Leaf Cove.pdf

Here is the document I was provided. It states the sidewalk is 10 ft and indicates a 4 for the shed. This was confirmed by the property owner. I can send someone out to measure (Kenneth didn't take a picture of his measurement).



John Hale

Code Investigator - West District

City of Austin, Code Department P: 512-974-6087 | E: john.hale@austintexas.gov

"Preserving Austin's Quality of Life"

From: Heldenfels, Leane

Sent: Tuesday, January 20, 2015 9:38 AM

To: Hale, John

Subject: RE: 7012 Quill Leaf Cove

Thanks for your reply, John.

Any chance I can get a copy of that survey/drawing – the one he provided me show something a little different, would be good to have what the violation was based on.

Thanks – Leane

From: Hale, John

Sent: Tuesday, January 20, 2015 8:23 AM **To:** Nettle, Kenneth; Heldenfels, Leane **Subject:** RE: 7012 Quill Leaf Cove

He is in violation of the side set back. The survey he provided to Kenneth showed the shed 4 feet from the property line, leaving a 1 foot discrepancy.



John Hale

Code Investigator - West District

City of Austin, Code Department

P: 512-974-6087 | E: <u>john.hale@austintexas.gov</u>

"Preserving Austin's Quality of Life"

From: Nettle, Kenneth

Sent: Tuesday, January 20, 2015 8:02 AM

C15-2014-0017

Dear Ms. Heldenfels,

Thank you for your email giving more details about the code enforcement regarding case number C15-2015-0017.

With respect to the form that you have mailed to us, we want to object to the request for a various for the structure at 7012 Quill Leaf Cove that has already been erected.

When we first realized in June 2014 that a structure was being built on their property, we informed them via email (please see attached emails), that at the time of their purchase of their property, they signed a legal and binding document named Deeds and Covenants that mandated that you cannot erect a temporary structure on the property. We wanted them to get permission before they completed it, so that they didn't have to incur unnecessary costs. We attached the required document to that email. They chose to ignore the Deed and Covenants document and proceeded regardless with the construction. In June/ July, we then contacted Mr. Glen Brown, part of Jester Homeowners Association architectural control committee, regarding construction of this structure. However we were told that they were not enjoined to the Association so they were powerless to handle this issue. Attached are the all the emails that I have ever sent to them showing my communication with them.

Over the 28 years that we have been in this neighborhood, there has been one other instance in our neighborhood, to my knowledge, where a temporary structure was constructed and at that time, the architectural control committee of the Homeowners asked them to remove the structure. We do not want to create precedence by being in favor of this structure.

I want to emphasis that they have ignored all the advise that we, along with other neighbors have given them, to follow the rules and regulations from the City of Austin.

Finally, we would like to inform you that we did not file the complaint with the City regarding this issue.

Sincerely

Janet & Saf Asghar 7010 Quill Leaf Cove Austin TX 78750

All emails to Yaguo

8/20/13

Dear Jian and Yaguo

I concur with my husband's irritation with Rex's barking and in fact it is getting worse. Just to let you know, his barking does not occur when we are outside in the back of our house, Take yesterday as an example, the barking started at 7:23 am which woke me up, paused for about 10 minutes and then continued from 7:53 to 9:15. These are barks that have a minute or two in-between and then start up again. He then started up again around 11:05am for about 10 minutes. Someone came home around 12 noon and I heard him again for a short time at 4:45 and 7:10pm. Today as I am writing this, he woke me up again at 7:18 and has only just stopped at 8:05am

As to the other neighbors, it is the relative position of the place he likes to bark - your back deck - and the position of our bedroom and family room that makes it noticeable to us. In the family room he is only 25ft away from our room.

A dog is a marvelous companion for someone, and can be excitable especially in new surroundings, but it also can be trained to channel its enthusiasm in other directions so as not to disturb those around them.

All is quiet now at 8:18am.

Regards

10/24/13

from about 8:30 am this morning intermittently he is barking in the back yard. There is no response from the neighbors dogs so maybe he see the squirrels in the tree or something else. The time is now 8:55am

I hope you will both be able to make the gathering on 31st in the Bowman's drive way in the evening.

10/24/13

He stopped about 9am

Yes it is the Halloween party in the Bowman's driveway. We gather there rather than on our doorsteps individually. Its just a relaxing time by the burning fire, sitting getting to know one another and handing out candy to those who come up the road. Finishes about 8:30 starts around 6pm -

This year the neighbors are taking on the challenge and will be setting up the chairs tables and food on their driveway so Mrs Bowman can just set and relax.

11/1/13

Oh dear Rex was barking for over 1 hour from 5:15 to 6:15 pm today.

12/9/13

Yaquo

May I congratulate you on your outside lights at the front of your house. I don't know if you know that every year there is a competition between the neighborhood streets to get the most votes from those living in Jester. It is announced in the neighborhood news letter next month. So they can see all the lights clearly, could you move your vehicle off the street and into your drive way until the end of the voting period which I believe is December 20th?

Regards

1/22/14

Yaguo

May I make a suggestion for your car that is parked on the road. On Thursdays when the trash trucks come round first thing in the morning they are very close to the car and I worry that they might hit it. The cove becomes smaller when there is a car parked there and they have to make more turns to get around.

7/2/14

Yaguo,

I have been in contact with Glen Brown who is the treasurer and CONA committee chair for Jester Homeowners association. He will be getting back to me regarding someone coming to visit you.

Regarding Mr Bowman, I have not talked to him about this but used his name as someone you could talk as a neighbor of his asked permission from the JHA to put up a shed in his back yard. That person was not a member of JHA but still had to abide by the procedures of the neighborhood.

Robin Curle (7009) not a member of JHA, sort permission to change her fence about two years ago and all the neighbors were contacted.

There are also rules by the city of Austin - for example - you have to make sure that anything built has to be at least 5 feet from your property line.

I think the woodpecker has fled so I might take you up on using your tree trimmer person. When is he coming to see you?

9/14/14

Yaguo,

Your home is in Jester Estate Section 1 Phase 2 in the CIty of Austin in the county of Travis.

Here is a copy of the "rules" by which each homeowner abides by. Please note section 3 regarding temporary structures.

This document would have been part of the paperwork that you and all homeowners were given when you took ownership of your home. It is filed with Travis County. With regards to the architectural control, the Wilson Development Corporation assigned over architectural control of this section of Jester Estates to the Jester Homeowners Association. Therefore if any person does not follow these "rules", Regards

The second of th

Abborgh applicant under their agentis) are expected to read a public hearing, you are no required to attend. Fowever, if you do coach, prohave the opportunity to speak EDR or AGAINST the propagate application. You may also contact a reighborhood or environmental organization that face expressed on interest in an application affecting your neighborhood.

During a public henring, the court or commission unit portrone or continue an application's searing to a litericate, or reconstructional experiences.

Or define of the application. If he heard or commission emotions a specific date and these for a postponement or communities that is not later than 60 days from the empoundement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or at interested party that is tendified as a person who can appared for parester. The early tolding a prible healing or a person will determine charlos a genion has been able to a person.

The chand also is an Epison of some of the process of the process

boure or commission by:

- delivering a written statement to the beard or commission byfise; priduring the goodle hearing that generally identifies the issues of concern the may for definered to the control person fation on a concern to
- प्रकार कार्य कार्य अस्तर अस्तर कार्य कार्य कार्य कार्य कार्य कार्य कार्य कार्य कार्य

Title:

- proposty or proposed development;
- is the record owner of property within 500 Regrief the subject property or proposed development; or
- is an officer of an environmental or neighborhoad organization for his an interest it of those deals economics are within 500 feet the major proporty or economics of correct.

A new later of trapparation recovers the minimum of the process of the minimum of

A STATE OF THE STA

Notes and the second second and the second and the second of the second of the second

ACT OF THE SET OF THE

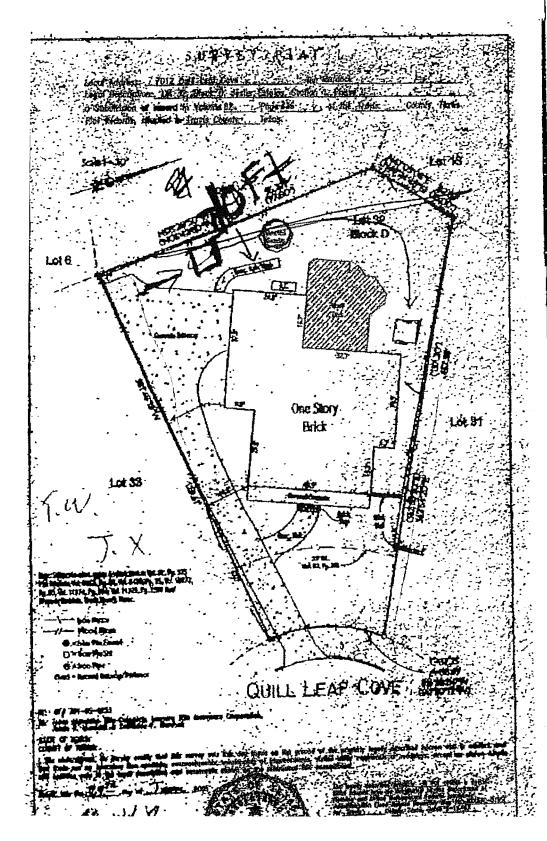
Serves comments are its relatited to the context nerson listed on the notice before or our given the position of the context should include the name of the context of the

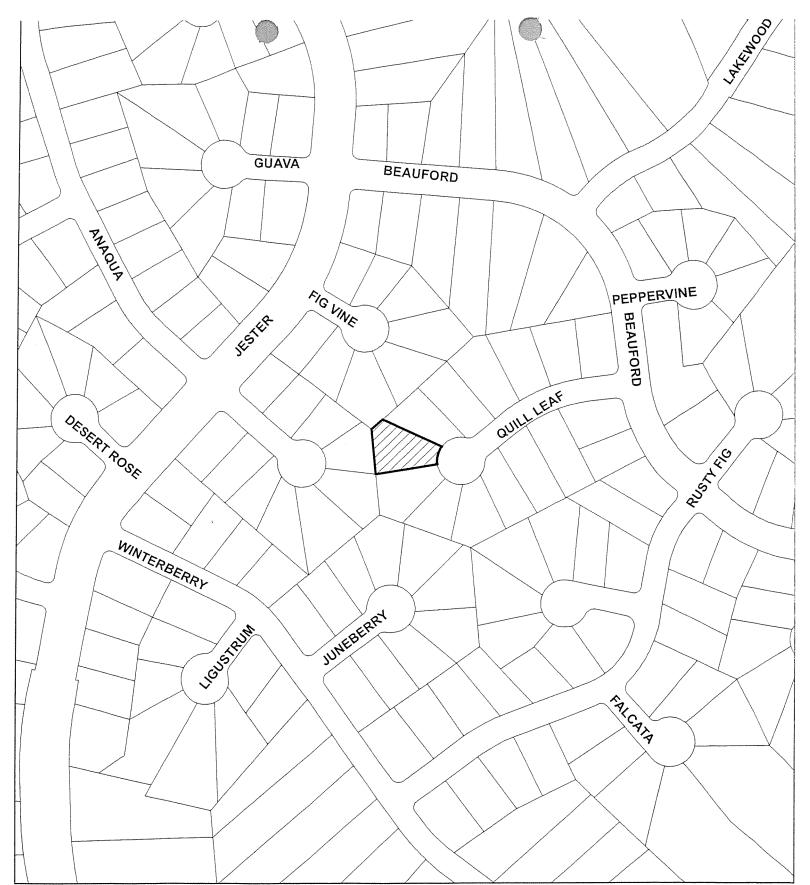
[1] The control of the control of

The second secon

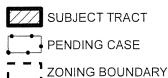
- 12

Contact Come Helbertas, 512-974-1301, lemetholdentifications are grey	oest och s denfolværustintovas go
The state of the s	Contraction of the Contraction o
1-1.E. KIRKPATIVICE	
	The state of the s
7007 Quic LAM: CV.	
Sorredons Pest afficeed by this application	eventament depute e l'out : estimate : l' l'indici a damentamen
Mr.	2/1/5
The community of the co	
512-658-3129	
THE THIN IN FAVOR OF THE	37
VARIANCE.	The state of the s







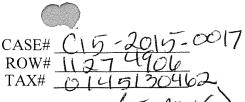


CASE#: C15-2015-0017

Address: 7012 QUILL LEAF COVE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.



VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

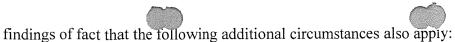
We built a wood house in our backyard for garden tools storage. The size is not big, which is 8 feetx8feetx10 feet. We don't have electricity or water in the wood house. Before we build it we have checked with all the neighbors close to it. We made it very nice with solid treated hardwood, and we spend over 5 months with over \$1,500 cost.

The only thing we could not satisfy regulation is the distance from the wood house to the side fence, which is few inches closer than that in the city rule. It is our first time to build a wood house, and we just observe where other people put their shed house in their backyards. It requires for 5 feet distance while we are about 4.5 feet from the side fence. Our house was built in 1984 and we have a lot of big trees in the backyard which only provide us few spaces for the wood house. The neighbor who reported us knew we were building the wood house very early, but they reported few months after we finished. They know we were building it very early but report very late. Our house is on the hill which is not flat, and we had over ten ion rods from wood to deep under earth, and plus big trees nearby, and concrete path in front, which altogether made it very difficult to move. We always follow rules and we don't have any bad records in breaking any laws before. We also have good tax record and always try to contribute to the society.

HARDSHIP:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
AREA CHARACTER:
3. The variance will not alter the character of the area adjacent to the property, will n impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes



1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

Updated 5/14

2. The granting of this variance will not result in the parking or loading of vehicles of public streets in such a manner as to interfere with the free flow of traffic of the streets because:	on
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:	n
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:	vith
NOTE: The Board cannot grant a variance that would provide the applicant with a spec privilege not enjoyed by others similarly situated or potentially similarly situated.	ial
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.	
Signed Mail Address 7012 Qill Leaf Cv	
City, State & Zip Austin, TX 78750	
Printed Jian Xu & Yaguo Warg Phone 765-430-8168 Date 12/08/2014	
OWNERS CERTIFICATE – I affirm that my statements contained in the complete applicance true and correct to the best of my knowledge and belief.	ation
Signed Mail Address 70/2 Quill Leaf Cv	
City, State & Zip Austin, TX 78750	
Printed Jian Xu & Yaguo Wang Phone 765-430-8168 Date 12/08/2014	

Variance Application of a Wood Shed

Address: 7012 Quill Leaf Cv, Austin TX 78758

Residence: Yaguo Wang & Jian Xu

Dear Committee:

We are writing to apply for variance of our wood shed house. We came to Austin from Indiana early 2013 and moved into our very first house at Jester in July 2013. We built a shed house for gardening tools, without any electricity or water pipes running through it. For your reference, we've attached a survey of our lot and marked the location of the shed.

We understand that the city code requires the shed to be 5 feet away from the side fence. Because of the irregular shape of our lot, one side of the shed is about 5 feet away from the fence, and another side is about 4 feet away. The city compliance officer asks us to move the shed for 1 foot. There are a couple of factors that make it difficult to move the shed.

- 1. From the first picture attached to this application, you can see that there is not really any room to move the shed further away from the fence.
- 2. Secondly and more importantly, this is a customized shed. We designed it, used best materials and built everything by ourselves. We spent over \$1,500 and more than 3 months to construct it. To make sure the foundation is stable, we knocked more than 10 long iron bars through the wood lumbers into the lime stones. It is extremely difficult to remove these iron bars. We'd have to tear down the whole shed in order to move it. The second picture shows some the iron bars we use.

From the pictures, you can see that this shed is beautifully and carefully made, showing our love and devotion to our own house. It only adds value to our property and to our neighborhood. We have 4 neighbors around us (marked in the survey) and we checked with 3 of them and they all like the shed. (We will provide written notes from them during the hearing). The 4th neighbor is far away from the shed house and they can hardly see it from their house. It is the 4th neighbor who filed the complaint against this shed, upon many other unofficial and official complaints against us since the second day we moved in. We understand that they have every right to do so. However, we sincerely hope that this variance can be approved so that this cute shed can avoid the sad fate of being destructed, and we don't need to face the sadness of seeing all the money, time and efforts were for nothing.

Your kind consideration of this application is sincerely appreciated.

ygao Veng

Jian & Yaguo

